

**Federal Defenders
OF NEW YORK, INC.**

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March 11, 2022

BY ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Centre Street
New York, NY 10007

**Re: United States v. Jose Gonzalez,
12 Cr. 326 (JMF)**

Dear Judge Furman:

I write to request that the Court order the early termination of Jose Gonzalez's supervised release. Probation supports this request; the government takes no position.

The Court may "terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). To make this determination, the Court considers the § 3553(a) factors to the extent they are applicable, but it does not consider punishment for the underlying offense. *Id.* (enumerating 18 U.S.C. §§ 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7), and specifically omitting § 3553(a)(2)(A) (punishment for the offense)).

Mr. Gonzalez has been on supervision since May 28, 2020, when this Court granted his §3582(c)(1)(A) motion and ordered him released to a four-year term of supervision, to include twelve months of home confinement. On October 29, 2020, the Court converted the home-confinement condition to "home detention" to allow Mr. Gonzalez to work. Probation described his compliance as "exceptional" at that time. Mr. Gonzalez subsequently gained employment at A&S Tax Solutions. Because Mr. Gonzalez continued to do "exceedingly well," in the words of Probation, the Court terminated his home detention early, on March 30, 2021.

It has now been approximately one year since the Court terminated Mr. Gonzalez's home detention, and he continues to excel. Probation notes that Mr. Gonzalez has been in "full compliance" with supervision with no new arrest or drug

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use. Mr. Gonzalez successfully completed drug treatment at Samaritan Village in mid-2021. He continues to live with his sister and to focus on his work. In addition to his continuing employment with A&S Tax Solutions, *see* **Exhibit A** (A&S letter), Mr. Gonzalez also now works as a home health aide through Platinum Home Health Care, *see* **Exhibit B** (Platinum paystub), and has earned his OSHA 30-hour credential and been accepted into the painter's union, *see* **Exhibit C** (IDs and certificate).

In sum, Mr. Gonzalez has made a complete, successful transition back into the community, and termination of supervision "is warranted by the conduct of the defendant released and the interest of justice." § 3583(e)(1). As noted, Probation supports this application. The government takes no position.

Respectfully submitted,

/s/

Clay H. Kaminsky
Assistant Federal Defender
(212) 417-8749

cc: USPO Sonales Gonzalez
AUSA Margaret Graham

The Government has advised the Court (albeit by email, not by letter filed on ECF, as the Court's Rules require) that it does not intend to file an opposition. Accordingly, and in light of the Probation Department's position, the motion is GRANTED, substantially for the reasons stated. The Court commends Mr. Gonzalez on his progress to date and wishes him the best of luck going forward.

The Clerk of Court is directed to terminate ECF No. 84.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Jesse M. Furman", is written over the "SO ORDERED." text.

March 14, 2022